

01-^R-1953

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$25,624.37 IN SETTLEMENT OF THE CLAIM
OF WORLD BAR, INC. AGAINST THE CITY OF ATLANTA**

WHEREAS, World Bar, Inc. has filed a claim against the City of Atlanta seeking damages arising out of several occurrences of sanitary sewer back ups to its business located at 3071 Peachtree Road, NE; and

WHEREAS, the World Bar, Inc. has incurred substantial property losses due to several occurrences of sanitary sewer back ups due to the blockage in the sewer mainline which the City had knowledge of prior to the overflows which occurred on August 28 and August 29, 1998, specifically; and

WHEREAS, the City of Atlanta was on notice of said nuisance and yet the City failed to abate said nuisance; and

WHEREAS, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in excess of \$75,769.13, but the claimant has agreed to accept the sum of \$25,624.37 in full and complete satisfaction and settlement of its claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of World Bar, Inc. be settled for the sum of \$25,624.37.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$25,624.37 be paid by the City of Atlanta in satisfaction of any and all claims World Bar, Inc., owner of property located at 3071 Peachtree Road, NE, may have stemming from damages sustained to its property on August 28 and August 29, 1998.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.